

**UNITED STATES DISTRICT COURT
District of Maine**

SHEILA FRANK,

Plaintiff

V.

L.L. BEAN, INC.,

Defendant

Civil No. 04-221-P-S

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 9, 2006, her Recommended Decision (Docket No. 157) as to corrected Motion for Summary Judgment (Docket No. 106). Plaintiff filed her Objection to the Recommended Decision (Docket No. 165) on February 3, 2006. Defendant filed its Response to Objection (Docket No. 168) on February 14, 2006.

The United States Magistrate Judge filed with the Court on January 9, 2006, her Recommended Decision (Docket No. 160) as to Motion for Sanctions (Docket No. 108). On February 3, 2006 Plaintiff filed her Objection to the Recommended Decision (Docket No. 164). On February 14, 2006, Defendant filed its Response to Objection (Docket No. 169).

I have reviewed and considered the Magistrate Judge's Recommended Decisions, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decisions; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decisions, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decisions of the Magistrate Judge are hereby AFFIRMED.
2. Plaintiff L.L. Bean's Motion for Summary Judgment (Docket No. 106) is GRANTED against the remaining counts (I and II) of Plaintiff's Second Amended Complaint (Docket No. 30). Counts III – VII of the Second Amended Complaint were previously dismissed by the Court for the reasons laid out in the Court's earlier Order on Defendant's Motion to Dismiss (Docket No. 10).
3. On Plaintiff's Motion for Sanction (Docket No. 108), the request for sanction of default is DENIED. Pursuant to Fed. R. Civ. P. 37(a)(4)(B), this matter will be set for hearing on the issue of attorney fees requested and is referred to the Magistrate Judge for that purpose.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 23rd day of February, 2006.